

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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08 MJ 24 17

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus Jesse ALBERTO-Gonzalez,

Defendant

) Magistrate Docket No. 08 MJ 24 17

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **August 5, 2008** within the Southern District of California, defendant, **Jesus Jesse ALBERTO-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF AUGUST, 2008

Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

DJA
8/5/08 ECL

CONTINUATION OF COMPLAINT:**Jesus Jesse ALBERTO-Gonzalez****PROBABLE CAUSE STATEMENT**

On August 5, 2008, Inside Scope Operator Border Patrol Agent D. Bowden notified Supervisory Border Patrol Agent J. Carrell of two individuals running north towards an area known as "Sam's Drive." This area is approximately four miles west of the San Ysidro, California Port of Entry and approximately fifty to one hundred yards north of the United States/Mexico International Border. Agent Carrell responded to the area and discovered two individuals attempting to hide in the brush. Agent Carrell identified himself as a Border Patrol Agent and conducted an immigration inspection. Both individuals including one later identified as the defendant **Jesus Jesse ALBERTO-Gonzalez**, admitted to being citizens and nationals of Mexico not in possession of any immigration documents allowing them to be or remain in the United States legally. At approximately 10:40 pm, both individuals were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 16, 2008** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights, which he stated he understood them and was willing to answer questions without a lawyer present. The defendant admitted to being a citizen and national of Mexico not in possession of any immigration documents that would allow him to be or remain in the United States legally. The defendant stated that he entered the United States today. The defendant stated that he was traveling to Salinas, California